

Malign Foreign Talent Recruitment Programs

Dartmouth College, in accordance with the CHIPS and Science Act of 2022, prohibits Dartmouth employees, students, and faculty members who engage in federally funded research from participation in a Malign Foreign Talent Recruitment Program.

- All federally funded Investigators and senior/key personnel All investigators and senior key personnel must certify that they are not a party to a **malign** foreign talent recruitment program.
- Must disclose to the institution if they are a party to any (not necessarily malign) foreign talent recruitment program (see definitions below)

As of May 2024, NSF already requires each PI and senior/key personnel to certify that they are not involved in any Malign Foreign Talent Recruitment Programs. Dartmouth must also certify that personnel have been made aware of the Malign Foreign Talent Recruitment Programs prohibition. False representations regarding either of the above certifications may be subject to criminal prosecution and civil liability.

Definitions

A Foreign Talent Recruitment Program (FTRP) is defined by the White House Office of Science and Technology Policy (OSTP) as any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Malign Foreign Talent Recruitment Programs (MFTRPs)

The Chips & Science Act of 2022 prohibits participation in any malign foreign talent recruitment program by individuals who are involved in research funded by certain Federal agencies. The law defines foreign talent recruitment programs as follows:

-programs, positions or activities sponsored by a country of concern (China, Iran, North Korea, Russia or other countries designated by the US State Department) or by certain academic institutions. They include one or more of the following indicators:

- Engagement in the unauthorized transfer of intellectual property or other nonpublic information.
- Recruiting trainees or researchers to enroll in such a program, position, or activity.
- Establishment of a laboratory, employment or appointment in a foreign country in violation of the terms and conditions of a U.S. federally funded research award.

- Inability to terminate program contract or agreement.
- Overcapacity, overlap or duplication.
- Research funding from the foreign institution's government.
- Omission of U.S. home institution and/or funding agency acknowledgement.
- Nondisclosure of program participation.
- Conflict of interest and/or conflict of commitment.

If you have any questions about Foreign Talent Programs or if you believe you are being or you have been recruited to any type of Foreign Talent Program, please contact OSP or the Research Integrity Office

The following activities are not considered participation in a foreign talent recruitment program:

- (i) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- (ii) participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
- (iii) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request.

How to comply?

- Obtain prior approval from your School for any Outside Appointment.
- Disclose participation in any foreign talent recruitment program to the Office of Research Integrity and Office of Sponsored Projects.
- Principal investigators, Co-Investigators and Senior/Key Personnel on federal proposals must certify in the annual Conflict of Interest disclosure in the online COI Interest disclosure system (RAPPORT COI) that they do not participate in any malign foreign talent recruitment programs.
- Disclose all sources of support and affiliations as required in Current and Pending Support documents and sign using Adobe or other software or sign and certify in SciENCv.